

BRIAN D. SHAPIRO

E-filed: October 30, 2009

Trustee in Bankruptcy
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

ALFREDO SAAVEDRA and
SONIA SAAVEDRA,

Debtor(s).

Chapter 7
Case No. 09-23556-MKN

**EX PARTE MOTION TO EXTEND
TIME TO OBJECT TO DISCHARGE**

BRIAN D. SHAPIRO, Chapter 7 Trustee in the above-styled Bankruptcy Case, hereby requests the Court for an order to extend the deadline to object to discharge, dischargeability of debts or to file a motion seeking dismissal pursuant to 11 U.S.C. 727. This motion is made and based upon the accompanying Memorandum of Points and Authorities and the Declaration in Support.

DATED this 30th day of October, 2009.

/s/ Brian D. Shapiro
BRIAN D. SHAPIRO, TRUSTEE

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Facts

1. On July 29, 2009 Debtors filed a Chapter 7 Bankruptcy Proceeding. See generally, Declaration of Brian D. Shapiro in Support.
2. Brian D. Shapiro was appointed to serve as the Chapter 7 Trustee. Id.
3. The §341 meeting of creditors was initially held on August 31, 2009, continued to October 1, 2009, and continued again to November 5, 2009. Id.
4. Debtors failed to appear at both the §341 meetings held on August 31, 2009 and October 1, 2009. Id.
5. On September 25, 2009, the Trustee filed a Motion to Dismiss Case Under 11 U.S.C. §109(g)(1) and 11 U.S.C. §521(e)(2). The Motion to Dismiss was set for hearing on October 28, 2009 and, no opposition having been filed, was granted by the Court. Id.
6. The bar date originally set by the Court to file a complaint objecting to Debtors' discharge is October 30, 2009. Id.

II. Legal Argument

Bankruptcy Rule 4004(b) provides that:

On Motion of any party in interest, after hearing on notice, the court may for cause extend the time for filing a complaint objecting to discharge. The motion shall be made before such time has elapsed.

Moreover, 11 U.S.C. 105(a) provides that this court may issue any order... that is necessary or appropriate to carry out the provision of this title.

1 In order to prevent the Debtors from receiving their discharge before the Order to
2 Dismiss is signed by the Judge, the Trustee requests the Court to extend the deadline to object to
3 the discharge for an additional thirty days (up to and including November 30, 2009).

4 **III. Conclusion**

5 The Trustee respectfully requests, based upon due process, as well as the above
6 referenced statutory law, that the Court extend the time for the Trustee to oppose the discharge
7 of the Debtors up to and including November 30, 2009.
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9 DATED this 30th day of October, 2009.

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14 BRIAN D. SHAPIRO, TRUSTEE
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